

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING MONDAY, NOVEMBER 1, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. CALL TO ORDER
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

Regular City Commission Meeting – October 18, 2010.

After discussion, the Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of October 18, 2010 as presented.

B. Additions or Deletions to Agenda.

Commissioner Carmolingo requested to add on Item 10-F, Consideration of appointment of one member (1) to the Planning and Zoning Advisory Board and the Commission concurred.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Presentations – Superstar Students of the Month Certificates - October, 2010.

- B. Presentations – Quarterly Board Reports of City Advisory Board/Committees.
- D. Presentation - Lead Certification Award.
- C. Proclamation –Supporting the Florida Department of Transportation (FDOT) reThink Program.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

After discussion, the Commission unanimously voted to approve Consent Agenda Items 7-B, 7-C and 7-D.

A. Request for Selection of Code Enforcement Special Master.

Resolution No. 2009-37 effective October 5, 2009, providing for a rate of \$125.00 an hour for Charles Cino – the initial term of the appointment was for one year – expired October 5, 2010. However, the Resolution called for additional one (1) year appointments at the discretion of the City Commission. As the resolution was expiring, the City published an RFP for magistrate services. Mr. Cino responded to the RFP and requested an increase in pay to \$175.00 per hour. Other well qualified respondents to the RFP submitted letters of interest at the same rate of pay or higher.

After reviewing the other applicants' qualifications and rate of pay, staff is recommending Charles Cino be retained as our Special Magistrate.

After discussion, the Commission voted 4 to 2 (Commissioner Denizac and Commissioner Treusch voted against the motion) to appoint Charles Cino as the Special Magistrate at an hourly rate of \$175.00.

***B. Request for approval of Amendment to 2010-2011 Law Enforcement Services Agreement.**

On September 7, 2010, the City Commission of the City of Deltona authorized the Mayor and City Manager to enter into an Agreement for Law Enforcement

Services with the Volusia County Sheriff's Office at a total cost of \$8,729,714.00. This agreement provided for staffing at a total of 69 sworn personnel, plus three (3) unsworn office workers. The City and Volusia County agreed to increase the staffing level by adding three (3) sergeants and (1) officer anticipated in January 2011.

The proposed First Amendment provides for this increase in staffing at a cost of \$400,356.00. This Amendment will increase the total cost of law enforcement services to \$9,130,070.00. The City's approved budget included the current contact price as well as the additional costs associated with the four (4) new personnel. A budget amendment is not necessary.

Approved by Consent Agenda - to authorize the Mayor and City Manager to execute the First Amendment to the Law Enforcement Services Agreement for Fiscal Year 2010-2011, in the amount of \$400,356.00.

- * C. Request for waiver of Fees – SE10-013- for Deltona Civic Associations Annual Holiday Parade.**

Approved by Consent Agenda – that in accordance with Commission Policy #CC99-005, that the Commission grant the request by Barbara Willey on behalf of the Deltona Civic Association to waive the applicable fees and costs for the Holiday parade scheduled for November 20, 2010.

- * D. Request for approval of Sole Source Purchase of Tyler Content Manager.**

Tyler Content Manager provides a content solution that will streamline the processes of accounts payable, accounts receivable, purchasing, human resources, and Deltona Water; as well as making many of those functions paperless.

Tyler Technologies provides our ERP solution (Munis) for our financial and utility software. Tyler Content Manager will interface with Munis to create a document management solution for Munis functions. This application will allow for physical documents to be scanned and linked to specific records in Munis; thereby creating workflows for approval chains of purchase orders and invoices. For the utility billing aspect, customer bills can be viewed by staff and linked to water accounts, addresses, or customers. This solution creates a definable relationship between many documents or records in the Munis application. It will improve the ability for departments to search records, make many functions paperless, and reduce the need of physical storage.

Approved by Consent Agenda - to approve the Sole Source purchase of Tyler Content Manager from Tyler Technologies at a total cost of \$39,100.

E. Request for approval to Purchase Training Server from CBT Nuggets, LLC.

Our current City wide computer based training solution is provided through a company called Makau. The annual renewal fee is \$15,000. If we do not renew, we lose access to the training material. Training includes video based courses for end users varying from Microsoft Office products like Excel or Word to professional skills courses such as time management. By replacing it with a different computer based training solution our annual renewal cost will be reduced to \$7,000 and we would see a savings of \$8,000 annually.

The video based training offered by CBT Nuggets, LLC is more up to date, and offers courses for all levels of end users such as Office 2010, and Windows 7; as well as more advanced courses for IT including Cisco and Microsoft platforms. Their library is extensive and their reputation is excellent. Also, we are offered more flexibility in renewing; access to the training material is lifetime and not based on renewal. The vendor will provide the training server and cover it for lifetime on any hardware or software problems.

CBT Nuggets is the producer and distributor of these types of IT training videos for Microsoft, Cisco, CompTIA, Citrix and many other certifications. CBT Nuggets, LLC uses unique and proprietary production methods and procedures. This allows for a distinctive and superior training experience. Their instructors are highly respected industry professionals with numerous IT books and manuals published in their names.

They do not sell their products to resellers at a reduced cost. They are the sole source provider of all of their products and sell direct to end-users to provide the best pricing and customer support available. Training is exempt from bidding requirements in accordance with the City's Procurement Policies and Procedures.

After discussion, the Commission voted 5 to 1 (Commissioner Denizac voted against the motion) to approve the purchase of a trainer server from CBT Nuggets, LLC at a total cost of \$30,014.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 13-2010, Proposing an Amendment to Section 110-808.05(d)4.a., *Minimum Width*, of the City's Code of Ordinances Regarding Landscape Buffer Widths, at second and final reading.

On November 7, 2000, Section 110.808.05 of the City's Code of Ordinances was amended to create minimum landscaped buffer widths along City roadways. It established 15-ft. wide buffers along the edge of all local roads and 25-ft. wide buffers along most of the City's collector and arterial streets. These dimensions are viewed as reasonably proportionate to those roadway classifications and contribute to the aesthetic and environmental quality of the City. However, Section 808 also identifies seven (7) segments of collector and arterial roadways

where minimum landscape buffer widths range from 30 to 65 feet. There is no purpose and need statement, documentation, and rational nexus provided that supports the buffer dimensions assigned to these corridors. Further, the varied landscape buffer widths do not typically provide the contiguous uniformity for effectiveness when established along corridors.

This initiative recommends revising the minimum landscape buffer width for these seven (7) roadway segments to a uniform width of 25 feet. This adjustment will help achieve a reasonable balance along both sides of the corridor that includes improving aesthetic quality, design, continuity, increases mobility/function, and enhances economic development opportunities. The 25-ft. buffer width is sufficient to create an attractive and consistent corridor design and to showcase the quality of site and building architecture, as recommended in the City's adopted Urban Design Pattern Book.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 13-2010. Following that review, it was discovered that the formatting of Section 110-808.05 was incorrect. The formatting is also corrected by this Ordinance. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code. Ordinance No. 13-2010 was approved at first reading by the City Commission on October 18, 2010.

After discussion, the Commission voted unanimously to adopt Ordinance No. 13-2010, to amend Section 110.808.05(d)4.a. of the City's Code of Ordinances, at second and final reading.

B. Resolution No. 2010-36 for the acquisition of the property located at 1024 Fort Smith Boulevard needed for the Fort Smith widening project.

The City of Deltona is in the process of widening Fort Smith Boulevard and as part of the project, the City is required to create stormwater retention areas. The City is in need of the parcel of land located at 1024 Fort Smith Boulevard. An offer was made to the owners of the parcel based on the appraised value, but the offer was rejected. A counteroffer was received which was well above the appraisal on the property.

The City Attorney is requesting authorization from the City Commission to initiate condemnation proceedings and to take whatever steps necessary to secure fee simple absolute title to the land. Any and all conditions precedent to taking and using the property, including, but not limited to, the requirements set forth in Section 73.015, Florida Statutes, and except for the adoption of this resolution, if any, have been performed or have occurred.

After discussion, the Commission voted unanimously to adopt Resolution No. 2010-36, authorizing the City Attorney to initiate condemnation proceedings

on the parcel of land located at 1024 Fort Smith Boulevard, Deltona, Florida for the purpose of creating stormwater retention areas for the Fort Smith Boulevard widening project.

C. Resolution No. 2010-37 for the acquisition of the property located at 1901 Marlow Street needed for the Fort Smith widening project.

The City of Deltona is in the process of widening Fort Smith Boulevard and as part of the project, the City is required to create stormwater retention areas. The City is in need of the parcel of land located at 1901 Marlow Street. An offer was made to the owners of the parcel based on the appraised value, but the offer was rejected. A counteroffer was received which was well above the appraisal on the property.

The City Attorney is requesting authorization from the City Commission to initiate condemnation proceedings and to take whatever steps necessary to secure fee simple absolute title to the land. Any and all conditions precedent to taking and using the property, including, but not limited to, the requirements set forth in Section 73.015, Florida Statutes, and except for the adoption of this resolution, if any, have been performed or have occurred.

After discussion, the Commission voted unanimously to adopt Resolution No. 2010-37, authorizing the City Attorney to initiate condemnation proceedings on the parcel of land located at 1901 Marlow Street, Deltona, Florida for the purpose of creating stormwater retention areas for the Fort Smith Boulevard widening project.

9. OLD BUSINESS:

10. NEW BUSINESS:

A. Consideration of appointment of one (1) member to the William S. Harvey Scholarship Selection Committee (Mayor Mulder's appointment).

Committee member Jason Jones has missed three (3) consecutive meetings and per Article IV. Attendance, Section 2, of the By-Laws: "If a member has three (3) unexcused absences, the Committee shall terminate the individual's membership and ask the Business Development/Grant Manager to have the appointing Commissioner/Commission appoint a new member to the Committee."

The City has run press releases and posted openings on D-TV, the City's webpage, and bulletin boards. To date the City has received applications from the following interested individuals: Randy Freitas and Christopher Alcantara.

After discussion, the Commission voted unanimously to confirm the appointment of the following individual Heather Mulder to the William S. Harvey Scholarship Selection Committee for the remainder of the term to

expire on February 4, 2011.

B. Request for an Exception to the \$25,000.00 Maximum Limit for Owner-Occupied Home Repair established in the City's Local Housing Assistance Plan (LHAP).

As part of being an entitlement community approved by the Florida Housing Finance Corporation that administers the State Housing Initiatives Partnership (SHIP) program, the City is required to adopt and periodically amend a Local Housing Assistance Plan (LHAP). The LHAP addresses funding thresholds for City housing programs and articulates income requirements. According to the City LHAP, regular owner-occupied housing rehabilitation has a maximum funding allotment of \$25,000 per house (for more information, please see the attached LHAP). Activities such as roofing, HVAC, painting, septic/drainfield repair, window replacement, etc. can be considered eligible to be funded under the owner-occupied housing rehabilitation. The intent of the program is to protect and enhance the existing housing stock of needy individuals from the deleterious impacts of deferred maintenance.

In the past few years, the City has provided assistance to numerous clients through the SHIP Owner-Occupied Housing Rehabilitation Program. Most of these projects have occurred within the budget limits illustrated by the City's LHAP. However, there have been two (2) owner-occupied rehabilitation projects that have exceeded the \$25,000.00 maximum limit; one on Galgano Street and the other on Sandlor Street.

Both projects were originally awarded to the one contractor. The Sandlor job was awarded \$17,875 and the Galgano project \$24,850. By June 2010, the original contractor abandoned both jobs without finishing the contracted work. City staff rebid both jobs and hired two (2) new contractors to complete the work on the homes. The work was completed in September 2010, including adding new HVAC systems to the homes where there was none. The expenditures on the houses are as follows:

Galgano

Amount paid to original contractor (last payment was withheld) - \$16,300

Amount paid to new contractor to finish - \$14,610.60

Plumbing - \$325.46

Other costs - \$523.24

Total - \$31,759.30

Allocation overage - \$6,759.30

Sandlor

Amount paid to original contractor - \$17,875

Amount paid to new contractor to finish - \$16,100

Other costs - \$523.24

Total - \$34,498.24

Allocation overage - \$9,498.24

The City has been utilizing SHIP grant funds to pay for the overages; not using General Fund monies. However, the City Commission approval is required to formalize any changes/exceptions to the LHAP.

After discussion, the Commission voted unanimously to grant an exception to the City's LHAP to allocate additional monies for the repair of homes that are above the \$25,000.00 maximum limit for Owner-Occupied Home Repair.

C. **Request for approval to retain a Water Resource Attorney to assist in negotiating for or implementing a recovery and prevention strategy for the Blue Spring Minimum Flow and Level (MFL).**

The St. John's River Water Management District has projected that groundwater pumping will result in a violation of the Blue Spring Minimum Flow and Level (MFL) established by the District. The City will therefore need to pursue alternative sources of water supply to prevent this violation. Compliance with the MFL is necessary in order to continue to receive consumptive use permits from the District for ground water withdrawals.

Cost estimates provided by the District and others indicate the cost of providing potable water from alternative water sources will likely be anywhere from three to seven times the cost to provide potable water from groundwater sources.

The City of Deltona, together with the City of Deland and the City of Orange City, jointly contracted with an engineering firm to prepare an independent transient ground water model which more accurately quantifies the effects of ground water withdrawals on the flow of Blue Spring, and to generate a plan that will provide economically feasible options to ensure compliance with the Blue Spring MFL.

The Cities desire to engage the services of an attorney who specializes in water resources law to assist in negotiating for, or implementing, a recovery and prevention strategy which is consistent with the plans prepared by the consultants to ensure a reliable and affordable potable water supply for the citizens of western Volusia County. The Cities will apportion the cost of the legal services amongst themselves on an equitable basis.

A Request for Proposals was issued and four potential attorneys/law firms were interviewed. Roger W. Sims, Esquire, and his firm Holland & Knight, LLP, was selected to provide the legal services at a cost to Deltona of \$23,358.00.

After discussion, the Commission voted unanimously to authorize the City Manager to enter into an Interlocal Agreement with the City of Deland and the City of Orange City for the purposes of retaining Roger W. Sims, Esquire and his law firm, Holland & Knight, LLP, to assist with a recovery and

prevention strategy to ensure a reliable and affordable potable water supply for the citizens of West Volusia.

D. Discussion concerning the potential relocation of the Florida Department of Children and Families (DCF) within the City of Deltona.

The City of Deltona operated the Social Services Building to include community-serving agencies designed to provide a "one-stop" resource for our citizens. With the departure of the Community Life Center this year, the majority of the building was vacant. Two agencies, United Cerebral Palsy (UCP) and the Florida Department of Children and Families (DCF) continue to occupy leased space within the facility, with both leases expiring this year; UCP at the end of October and DCF in mid-November.

UCP initially indicated that they would consider relocation within the City, but has not followed-up with staff to achieve that effort. DCF indicated that their two staff members would have to be relocated; one will work from home and the other reassigned to the Daytona Beach office. DCF indicated that it would consider relocation within Deltona, if there are favorable leasing terms (square footage and cost per square foot). Staff has identified three (3) potential suites within Deltona that may be suitable for DCF.

After discussion, the Commission voted unanimously to adopt Resolution No. 2010-38, encouraging the Department of Children and Families (DCF) to maintain an office in the City of Deltona.

E. Discussion re: Senate Bill 550 (Requested by Commissioner Denizac).

Commissioner Denizac has asked that the Commission discuss issues related to the requirements for septic tank inspections and permits as proposed by Senate Bill 550.

After discussion, the Commission requested that the City Attorney provide what the Commission's options are to try and repeal Senate Bill 550 and to bring before the Commission a Resolution expressing against Senate Bill 550.

F. Consideration of appointment of one member (1) to the Planning and Zoning Advisory Board (Commissioner Carmolingo's appointment).

Mr. Herbert Christian appointed by Commissioner Carmolingo to the City's Planning and Zoning Advisory Board has resigned from the Board effective October 11, 2010.

The City has run press releases and posted the openings on D-TV, The City's WebPage, and bulletin boards. To date, the City has received applications from the following interested individuals: James Bauman, Jennifer Healey, David McKnight, Heather Mulder, and Benjamin Reyes.

After discussion, the Commissioner voted unanimously (Mayor Mulder Abstained from the vote) to confirm the appointment of Heather Mulder (Commissioner Carmolingo's appointment) to the Planning and Zoning Advisory Board for the remainder of a term to expire March 15, 2011.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.